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March 8, 2019

VIA Electronic Filing

Hon. Lawrence E. Kahn, Sr. USDCJ
USDC Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway, Room 424
Albany, New York 12207

Re: *Christian Fellowship Centers of NY v. Village of Canton*
Civil Case No.: Civil Case No. 8:19-cv-00191

Dear Judge Kahn:

As counsel for Defendant, the Village of Canton, New York, I write in response to the March 7, 2019 letter submitted by Plaintiff's counsel (Dkt. No. 15) in connection with Plaintiff's motion for a Preliminary Injunction (Dkt. No. 13) also filed on March 7, 2019, and the Court's Text Order issued today (Dkt. No. 16). As the Court's docket reflects, this action was commenced 25 days ago on February 11, 2019 (Dkt. No. 1) and my office accepted service (pursuant to Rule 4) on February 22, 2019. Accordingly, the Village's Answer or Rule 12 motion in response to Plaintiff's Verified Complaint is due to be filed on or before April 16, 2019 (Dkt. No. 12).

As an initial matter, we have no opposition to Plaintiff's counsel appearing for any hearing or oral argument on the pending motion via phone – although I anticipate being in Court to respond to same.

As to the briefing schedule and timing or date of any hearing or oral argument Your Honor schedules, I respectfully request the Court consider the following: (a) our client is a small remote Village located more than 200 miles from my office which obviously introduces some logistical hurdles in marshalling evidence we have a right to present to Court; (b) as lead counsel my schedule includes a number of commitments in the next two weeks (March 13, 2019 50-h examination in Sullivan County; March 14, 2019 oral argument before the Court of Appeals for the 2nd Circuit; March 22-24, 2019 out-of-state travel). In light of the positive nature of the injunction Plaintiff is seeking, the fact that the Village has yet to be heard in this action, and my

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other out-of-office commitments, I respectfully request that the Village be afforded at least one additional week (i.e., *March 21, 2019* instead of March 14, 2019) to respond to the pending motion, and that the Court not schedule a return date/hearing or oral argument date accordingly.

Thank you in advance for your consideration

Respectfully submitted,

JOHNSON & LAWS, LLC

S/ *Gregg T. Johnson*

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